IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY EIGHTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5988 of 2005

Between:

Toddy Cooperative Society, Antikepalli Village, Venkatachalam Mandal, Nelllore District, Representing its President Mr. Kosuru Venkatewarlu

..... PETITIONER

AND

1 Commissioner of Prohibition and Excise, Government of A.P. J.N. Road, Opp : Exhibition Grounds, Nampally, Hyderabad.
2 The Superintending of Prohibition and Excise, Nellore District, Nellore.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not granting "B" licence in respect of Kantipalli Village, Venkatachalam Mandal, Nellore District, which is in the area of operation of Anikepalli Toddy Tappers Cooperative Society Limited bearing Registration No. 732 in Nellore District in pursuance of the G.O. Ms. No. 767 Revenue (Excise-II) Department, dt. 29-2-2004 as illegal, arbitrary and principles of natural justice and pass such other order or order as this Hon'ble Court may deem fit and proper in the circumstances of the Case

Counsel for the Petitioner: MR.B.SAI RAM GOUD

Counsel for the Respondents: GP FOR PROHIBITION & EXCISE

The Court made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Aggrieved by the action of the respondents in not granting “B” license in respect of Kantimpalli village, Venkatachalam Mandal, Nellore District, which is in the area of operation of Anikepalli Toddy Tapers Cooperative Society Limited, bearing Registration No. 732 in Nellore District in pursuance of the G.O. Ms. No. 767, Revenue (Excise-II) Department, dated 29-02-2004 as illegal and arbitrary.

It appears that in this regard the petitioner had made a representation to the competent authority and the same has not been considered.

Having regard to the facts and circumstances of the case, the respondents are directed to consider the representation dated 18.3.2005 purported to have been made by the petitioner, within six weeks from the date of receipt of a copy of this order and pass appropriate orders as deemed fit.

With the above directions, the writ petition is disposed of at the stage of admission. No costs.

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kvsn 28-03-2005

To

1 Commissioner of Prohibition and Excise, Government of A.P. J.N. Road, Opp : Exhibition Grounds, Nampally, Hyderabad.

2 The Superintending of Prohibition and Excise, Nellore District, Nellore.

3 Two CCs to GP for Proh. & Excise, High Court buildings, Hyderabad.

4 Two CD copies.